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SEYMOUR Planning and Zoning Commission

Public Hearing Minutes

October 10<sup>th</sup>, 2019

**Members Present:**

**Also Present:** Bill Paecht, Jim Baldwin, Bryan Nesteriak, Mike Marganski, Keith Rosenfeld, Attorney Sullivan, and members of the Public

1. Call meeting to order at 6:31pm.

Board Chair Joe Ziehl called the hearing to order at 6:31pm.

2. Pledge of Allegiance

Everyone stood for the flag and recited the Pledge of allegiance.

3. Notice is hereby given that the Seymour Planning and Zoning Commission will conduct a Public Hearing on Thursday, October 10, 2019 at 6:30 p.m., in the Norma Drummer Room of Seymour Town Hall, 1 First Street, Seymour, CT, upon application SHC Seymour Springs LLC for approval of an Application for Text Change of the Zoning Regulations of the Town of Seymour, as follows: To Amend Section 3.0 of the Zoning Regulations to add a new subsection (g) "The Affordable Housing Zone (AHZ)" as a floating zone that may be permitted within the MF and R-18 zoning districts; and To Amend the Zoning regulations to add a new "Section 18A" to establish regulations governing the new Affordable Housing Zone (AHZ).

The purpose of the proposed change to the zoning regulations is to establish regulations that will provide the Town of Seymour and the region with multi-family market-rate and affordable residential rental units in compliance with Section 8-30g of the Connecticut General Statutes. This proposed regulation establishes standards to facilitate such development on selected parcels on which construction will be consistent with soil types, terrain, and infrastructure capacity. A full copy of the above referenced application is available for review in the office of the Planning & Zoning Department, Seymour Town Hall, 1 First Street, Seymour, CT. At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as may be announced by the Seymour Planning and Zoning Commission.

Joe Ziehl (the Chair) announced they would open the public hearing now. He asked the applicant about the second hearing that is noticed to start at 6:45pm, and said that he intends to open the hearing then and take some questions and then take a 15 minute break or do both together if the applicant did not mind.

Attorney Sullivan asked if the chair meant that he wanted to delay the text change and opening the hearing at 6:45 or if he wanted to do everything at once.

The chair responded that he just opened the hearing pertaining to the text change and that he would just like to go forward and open the next hearing at 6:45pm because it was noticed for 6:45.

The applicant agreed that that worked fine.

Joe Ziehl clarified some things before the start of the hearing and the nature of tonight's application. The way that the public hearing will be done, is going to be the applicant will present his projects through his professionals and attorneys, the Commission will ask questions, the staff will ask questions and comment on the presentation, and finally the floor will be opened to public comment. First, the people in favor of the application will speak, followed by the people who are opposed to the application, and last, those who just would like to comment (neither opposed or in favor). All questions from the public were told to ask to the Chair and would then be directed to the applicant for an answer. After the public comment, the applicant and his attorneys are allowed to follow up and comment on any questions or comments the public had. All present were instructed not to speak unless recognized by the chair. The chair also mentioned that he will not put a time limit on anyone's comments, if they so choose to speak, however the comments and questions are asked to be kept relevant to the application and the public hearing. The public was asked not to be repetitive of what others has state and to also be respectful of whomever is speaking. The chair announced that if there was any disorderly conduct or discussion throughout the meeting, he would adjourn the meeting until everyone can take a break. The public was instructed to give their name and address when they come up to the microphone to comment during the public hearing. The chair announced his goal is to finish the public hearing at 8:30pm tonight, as there is a regular meeting directly after this one, however next month will be the next hearing in which people are also invited to come back.

The Chair wanted to discuss with the public a little about the applicant. He stated as an attorney, spending 5 years on the Planning and Zoning Commission in Monroe and Seymour's Planning and Zoning Commission, he has seen applications like this and understands that the public sometimes gets upset because they do not fully understand the application and the power of the Commission itself. The Chair stated that basically, as a Commission, they are instructed to follow the law and if anything is done against the law, an aggrieved party can appeal the decision to the Connecticut Superior Court. The residents of Seymour would end up paying for the court case and it would be very expensive. If the Court were to overturn their decision, the entire decision would have been for nothing.

The Chair stated that he would take a few minutes to talk about Affordable Housing projects. This CT housing statute presents a very different set of circumstances for the Planning and Zoning Commission. Technically tonight, they are hearing about a zone change (that would be specific to the parcels that the applicant owns) as well as a change in the regulations (which would be town wide) but neither would be voted upon during this hearing. The vote would happen when a site plan application comes into the Commission, and there would be a different public hearing for that. The applicant might have chosen this route for any number of reasons, but this way the Commission can talk to the applicant about regulations that would be town wide and negotiate with them. If the applicant had just simply come to the Commission with a site plan application and actually wanted to build a project, the law actually allows the developer to dictate what the terms of their application would simply be. The two options are to either allow the Commission to move towards town wide regulations or deal with the single one side application for the Commission. The Chair stated that normally when an application come before the Commission, the developer must prove that they have followed the regulations as they are written and in the affordable housing context, it is completely different. The affordable housing context states that in order for a Commission to deny an application it must show three things, important public interest, the need for protecting the interest that the town outweighs the need the town has for affordable housing (which is determined by how much the Town's Housing stock qualifies under the Affordable

housing Statue as affordable housing) the statue can provide exemption for towns that have more than 10% of their housing that qualifies as Affordable housing (Seymour is between 5 and 6 percent affordable housing), and finally the Commission must determine that the public interest that they are trying to protect simply cannot be accomplished with reasonable changes to the application. These are the rules the Commission follows. If this is a statue that the public does not like, the Chair referred them to their state legislators, whom are the only people who can make a change in this because they are the legislative bodies whom create the laws.

**The Chair opened the second hearing.**

Notice is hereby given that the Seymour Planning and Zoning Commission will conduct a Public Hearing on Thursday, October 10, 2019 at 6:45 p.m., in the Norma Drummer Room of Seymour Town Hall, 1 First Street, Seymour, CT, upon application of SHC Seymour Springs LLC for approval of an Application for a Zoning Map Change as follows:

To change to a new zoning district known as the Affordable Housing Zone (AHZ) (subject to a companion Application for Text Change to Zoning Regulations of the Town of Seymour creating the AHZ) certain properties consisting of approximately 10.6± acres commonly known as 20 Spring Street (Parcel ID 8-12-51-0), 16 Smith Street (Parcel ID 8-12-50-0) and 17 Smith Street (Parcel ID 8-12-32-0), and as more particularly shown and delineated on the map set forth below:

The purpose of the proposed change to the zoning map is to allow the above-referenced properties to be developed as a residential community known as "Bladens Ridge" that will provide the Town of Seymour and the region with multi-family affordable and market-rate residential rental units in compliance with Section 8-30g of the Connecticut General Statutes.

A full copy of the above referenced application is available for review in the office of the Planning & Zoning Department, Seymour Town Hall, 1 First Street, Seymour, CT.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as may be announced by the Seymour Planning and Zoning Commission.

**The chair turned the floor over to the applicant.**

Attorney Lisa Feinberg from Torrance Sandak and Hennessey stated her name for the record and introduced colleagues Maureen Cox and Jason Klein, Timothy Gooding from Gooding Architecture, John Paul Garcia from John Paul Garcia and Associates, Steven Alming from Alfred Benesch and Company, Jerry Kiley and Brett Shawnasy are both there on behalf of her client.

She stated the Mr. Kiley filed several applications with the Town of Seymour recently in connection with the proposal, to build a 90 person apartment complex in according with section 830G of the Connecticut General statues, known as the affordable housing statues. Feinberg noted that tonight's hearings are focused on the text change concerning the Affordable Housing Zone (AHZ) and the zoning map change, which if approved would predesignate her client's property into the AHZ zone. Feinberg stated that the AHZ zone has been proposed in furtherance of local policies, which encourage a variety of affordable housing options and more sustainable development. Just as any new housing district, the AHZ zone includes a purpose, eligibility criteria, permitted uses, development standards and an application

process. However, Feinberg stated that the most significant aspect of the AHZ Zone is the inclusion of the mandatory affordability component, which is in conformance with Section 830G of the Connecticut general statutes (the affordable housing statutes). In accordance with this statute, the AHZ zone requires that a minimum of 30 percent of the units within a deed-restricted development be deed restricted to families earning no more than 80% of either the area's median income or the state median income, whichever is lesser. Here the state median income is lesser than Seymour's median income, so the state would apply. 15% of those units would need to be affordable at the 80% of SMI and the other 80% would need to be affordable at the 60% of the SMI level, and this deed-restriction would need to be in place for a minimum of 40 years. Other key components related to the affordability requirement come from the affordability statute that are within the AHZ zone include construction quality (affordable units need to be constructed of a quality that is comparable in terms of size, distribution and materials to the market rate units), market rate units (the owner needs to market the affordable housing units in the same way that he markets the market rate units). The development is proposed as a rental option and the leases need to include a certain provision that alerts tenants to the affordability requirement in the affordable units only, and the same would apply if it were deeds to a home ownership situation. The applicant is also required to make an affordability plan that includes the rules and regulations for the affordability component is maintained and how the owner maintains his compliance.

The chair interrupted and pointed out where the emergency exits are in the Norma Drummer Room.

Feinberg said that finally, there are enforcement powers and the P and Z would also maintain their same enforcement powers that they traditionally have when it comes to section 8-12 of the CT general statutes. In terms of development standards, they are very familiar to the Commission because Feinberg and her clients used their Multifamily zone (MFZ) standards, which are applicable to garden apartments as the baseline for their regulation change, which made sense because her Clients property is currently MF Zoned.

Feinberg referred the Commission to tab 2 in the compendium that she handed out, it shows exactly how the apartments compare from AHZ standards to MFZ standards. Feinberg stated that the minimum lot size in the AHZ zone has doubled compared to the MF zone, in the MF Zone one must have a minimum of 2 acres and an AHZ there must be a minimum of 4 acres. The density was reduced from 7,000 sq. ft. per unit to 4,750 square ft. per unit, which is in keeping with that minimum lot size increase, so that you can put more units on a smaller parcel. As a reference point, the AHZ is affectively three units per acre more than the MF zone. The affordability component is a new addition on the MF zone and it does not include the affordability component per say with garden apartments, and the AHZ incorporates the 30% requirement that the statute requires. Open space was increased; MF Zone requires 30% of the parcel to be open space while the AHZ zone requires 50%. Lot coverage is tough to compare because the AHZ zone is based on building coverage and not lot coverage and there is a mathematical anomaly within the MF Zone, nonetheless, the AHZ zone has a 50% lot coverage maximum because of the 50% open space minimum. The MF Zone has a 33% maximum on building coverage. The lot square remains the same, parking is reduced two spaces per unit to 1.75 spaces per unit, max height remains the same, minimum front yards and side yards are the same, minimum back yards were reduced from 75 feet to 35 feet. Minimum distance between buildings and roadways were reduced from 50 feet to 20 feet. One standard that is in the AHZ regulation but not in the chart handed out is that Affordable Housing development must be on a parcel that is next to a municipal sewer and municipal water although this was recently removed from the statutes.

The Chair interrupted to ask how many stories could be fit into 45 feet.

Feinberg answered that they are proposing three stories.

Commission member Jamie Brennan asked about the open space that is listed at 50% but in the text proposal, it is listed as 50% of nonprecious area, which is it?

Feinberg answered that she believed the language Brennan was looking at was 50% of all pervious area, which is just to say that it is not necessarily grass, it is just open space in general.

Brennan asked if this would include buildings.

Feinberg said no because buildings are not pervious.

Brennan read from the 18A.7.C. of the proposed text amendment handed out to the Commission. "At least 50% of the area used for the purpose of calculating permitted density shall be reserved as open space for the benefit of the residents of the Affordable Housing Development only."

Feinberg replied that it was 50% of the lot area. The lot is used for calculating the density, and that there are no exceptions within the AHZ zone in terms of the lot area.

The Chair asked Feinberg to continue and stated that all questions from the Commission would be held at the end.

Feinberg continued about the next portion of the public hearing, which is the zone change of the application, which would rezone the land that her client owns, and into the AHZ zone. Her client owns three separate parcels, which the public was shown on an outline. She pointed out all three; 20 Spring Street, 16 Smith Street, and across the street at 17 Smith Street. Collectively the rezoning would be for a total of 10.3 acres of land. The majority of the property is located in the Multifamily Zone, which is just over 9 acres, and about an acre and a half if located in the R18 Zone. If the zone change application is approved, all the land would be re-designated to AHZ and subject to the standard, that Feinberg articulated previously. In subject to the review of the Commission, Feinberg pointed out that it is important to keep in mind the importance of the Affordable Housing Statue, which is to encourage and facilitate the much-needed development of affordable housing throughout the state. As a remedial statue, it is literally construed in favor of those seeking Affordable housing. The Commission was referred to Tab 1 of the Compendium where they can find the statutory standard that the Chair had referred to previously. It states that if some are denied the Affordable Housing Application, the Commission must find that a substantial public interest that the Commission seeks to protect clearly outweighs the need for Affordable Housing and such public interest cannot be protected by reasonable changes to the proposal. This means that unlike a conventional zoning application, the burden is on the Commission not the applicant. An affordable housing application can be approved without a text change or zone change and it does not need to comply with the Town's underlying zoning regulations because section 8-30 G supersedes the zoning regulations. However, Feinberg stated her client wanted to create an affordable housing zone and pre-designate their property as such to remove any ambiguity regarding to the rules related to the proposed development.

Commission member Chris Bowen asked, regarding to the 8-30G statue, the burden of Approval is on the Commission, but is that for the overall approval or just the zoning application.

Feinberg responded that it is for any affordable housing related application, so the burden applies to zone change, regulation change, and it applies to the site plan.

Feinberg explained that the other procedure that could have been taken by her client is to simply submit an application without anything else, but the Courts have said that it is simply a de facto zone change so the applicable standards would be whatever is being constructed. In the opinion of the applicants, filing the tax change and zone change application is a better and more transparent process for everyone. There are added benefits created by the process. The AHZ Zone is a floating zone that can only land on property as the attorneys here have drafted it, currently zoned MF with lots permitted to allow a maximum of 2 acres of R18. The reason the R18 is included is because the applicant's property access is R18 and if you refer to the map of the property, most of the MF Zone properties are surrounded by R18 zoned property. The attorneys needed to recognize that there would likely be an R18 component. If they were to limit the language to just the MF properties, the Commission would be encouraging denser development in areas that that already designated for dense development, so this specific proactive approach is favored by the courts. When developers have sought to create dense multifamily affordable housing in areas that do not have the infrastructure in place to support it that is weighed against the Commission's proactive initiative to support it in the places that can provide the infrastructure that does support it. So creating a zone that facilitates the development of affordable housing, is critical to the state and the community. Seymour currently only has 5.75% affordable housing of all of its Housing Stock, based on the 2016 Plan of Conservation Development, there is a 2 to 3 year waiting list for housing with the Seymour Housing Authority. The majority of Seymour multifamily housing stock is between 30 to 40 years old, when the POCD says the median age is 1965. So also, it may be de facto affordable, it is not deed restricted affordable so therefore if an owner decides to invest in his or her property and make improvements, there is nothing that stops them from raising rents. According to the CT economic resource center 2018 profile for Seymour, 71.5% of total dwellings are owner occupied, 46.7% of the renters are cost burdened which means they are spending more than 30% of their income on rent. According to POCD, Seymour's population is growing, but it is also aging. The POCD projects an increase of 7.5% of population by 2025, however the number of residence in their prime working age (35 to 54) is expected to decrease, while older adults (age 55 and older) is expected to increase. Projections suggest that by 2025 there will be about 7% fewer non-school age children, and about 12% fewer school age children than from 2010. The increase in older residence combined with the estimated downward turn of the population of children, means Seymour is expected to be a town of increasingly older individuals. This impacts housing for two reasons; 1) seniors no longer interested in mortgage payments or maintaining larger homes but want to stay within their communities need a different housing alternative and 2) if Seymour wants to attract younger people to backfill the aging population, the town needs to apply affordable rental options. Seymour's POCD identifies this and shows numerous goals within the POCD in order to bring in young people and provide a young people with an opportunity to maintain their seniors. Some of these goals include; maintain housing diversity to meet the needs of the community, continue to work with the Seymour Housing Authority to meet the needs of the elderly population, and the need for more sustainable affordable housing options. The data demonstrates that this community is in need of affordable housing and it would take the community that much closer to the goal of 10% Affordable Housing by allowing it in places that are already designated for multifamily housing.

In Tab 5 of the BINDER, it goes over the requirement of 10% of the housing stock to be affordable within the meaning of the statute. Sometimes it can be challenging for communities to meet this 10% threshold because it's hard to create the number of units that one would need to create that 10% so the legislature has recognized that and given opportunities. They are given moratoriums, the way the Town obtains a moratorium is by demonstrating the effort that is being made to build and try to get closer toward that 10% threshold, and therefore points are allocated. These are hue points, which show how much closer which Seymour would get to a moratorium with a development such as this application.

The chair asked they elaborate on that subject of the Hue points.

Feinberg called her colleague Jason Klein up because he has become intimately involved in the Hue points and could possibly walk them through it in a bit more detail.

Jason Klein addressed the Commission, saying that one piece of the 8-30G puzzle is the ability of the Town's to achieve moratoriums from subsequent the 8-30G applications for a certain period of time. The way that this is achieved is by building affordable housing units and the statute provides different points for different types of units. As an example, this project has 62 market rate units, when market rate units are a part of an affordable housing development those market rate units are worth  $\frac{1}{4}$  each of a hue point. Affordable units that are 80% or less of the state median income that are rental units are worth 1.5 points each. Affordable units that are rental units at 60% are worth 2 points each, finally, three bedroom units are worth a bonus quarter point. So through this project, it would earn Seymour 68.25 points, and in order for Seymour to achieve a moratorium, it would need 139.36 points. Therefore, this development is going a long way for Seymour in terms of achieving points towards the moratorium, which is not easy.

Another interesting piece that has come up is that the current Senior Housing in Seymour, in particular the one that is right next to Town Hall earns the Town only 28 hue points. If enough multifamily non-senior housing were built, the hue points earned from the Town would be doubled. For example, that building in particular would go from 28 hue points, to 56 hue points.

Commission Member Jamie Brennan asked where they got their 5.75% numbers from.

Attorney Jason Klein responded that the state publishes the information on an annual bases off of the U.S. Census.

Commission member Brennan asked if they generated that number themselves.

Klein replied no.

Commission member Chris Bowen asked if the attorneys could explain the difference between the median income that HUD uses for this and the median income for the State of CT which Bowen believed is somewhere in the \$75,000 range. He explained that the paper work submitted stated that there are two numbers that are used, either the area median income or the state median income, and they are using the state, which is just a shade above \$100,000. State median income by any other metric is well below that, so Bowen would like to know where HUD gets their numbers.

Klein called up Feinberg who answered that she would have to pull the calculation off HUD's website because there is a calculation that they use, which they created not the attorneys.

Feinberg wanted to proactively mention on where else the AHZ zone could land. She talked about how this could only land in multifamily property with the expectation of some small pieces of R18. She has done an extensive study on the property (which is found in tab 4 of the BINDER), and based on the Tax Assessors information, it was found that the majority of the Town's multifamily property is already developed so the idea that this will happen on all of these properties at least in the short term is farfetched. There are a few that are vacant, her clients property, a property that is 6.5 acres a Progress Ave, some property owned by the Town of Seymour, 43 George St, and 50 Prospect Street could all be eligible to change from MFZ to AHZ.

Feinberg said that was all the applicant had in terms of presentation so they were open to questions from the Commission.

Commission member Bowen asked if he could ask some questions about the lot itself or if it would wait until the site application.

The Chair told him to proceed.

Bowen said there were 11 buildings proposed, but are there any units they are expecting to designate to affordable housing or will there be individual apartments within those units. In other words, would an entire building be the 60% zone?

Feinberg stated that no, in fact they must distribute the affordable housing units throughout the entire complex. She directed the Commissioners to the binder she submitted and referenced them to the affordability plan that highlights the units they anticipate would be the affordable units, this is subject to change in accordance of the final development but they do have a requirement to evenly distribute them throughout the buildings and throughout the two and three bedrooms.

Commission member Bowen asked what they were planning on doing, on the map where there seemed to be a little notch between the Dahn and Perez houses?

Feinberg stated they are listing it as access to the building, however right now their client would like to list it as solely emergency vehicle access. Under the AHZ zone, this would be possible; however, it would be left up to the members of the Commission to make the final call. Feinberg said that they included an addendum letter about the traffic study that demonstrates that the single access to the building would work just fine.

Bowen said they might not have to do anything with that, but he thought it was a yard.

Feinberg said it was actually just the entrance and exit to the property, but it did look like a yard to the naked eye.

The Chair asked Feinberg what the status of the site plan application was at this point.

Feinberg responded that the site plan application was filed at the same time as the text change and the zone change.

The Chair asked if they were noticing it here.

Feinberg said she would love to move forward with the site plan application as quickly as the Commission is willing to. She was not sure if a public hearing was going to be proposed or not.

Bowen asked if Feinberg could walk the Commission through the storm water management system that they have come up with.

The Chair told Bowen that he seemed to be getting a little too far into the site plan details.

Bowen retracted his question.

The Chair reminded the public that they should not be speaking unless the Commission recognizes them and that public comment would happen soon.

Jamie Brennan asked if they were not dealing with anything pertaining to the site plan application.

The Chair responded and said they are only working with the proposed new regulation.

Bowen stated that he had no further questions.

Walter Birdsell asked who the assigned enforcement was to, this Commission.

Feinberg asked if he meant the enforcement of the affordability component.

Birdsell answered yes.

Feinberg said the Commission would have the same enforcement powers as they do with any zoning application under A-12.

Bowen asked if it would fall under ZEO.

Feinberg answered yes.

The Chair said that that would mean annual reports would be generated as to the income of each of the individuals and if they fell outside of the criteria, it would be noted as a zoning violation.

Feinberg said yes, this was correct.

The Chair asked if any of the Commissioners had any questions and seeing none the Chair asked for questions and thoughts from Staff.

*Keith Rosenfeld the town planner for the town of Seymour*, spoke about how he is happy to be involved in this project and making this decision. He works as a regional municipal planner for the Naugatuck Valley Council of Governments and has been a planner for over 31 years. Rosenfeld said that although the applicant said that the multifamily has some relationship to the affordable housing zone, he feels that in their studies the applicant has looked at multifamily housing that currently exists on the site and has compared some of those elements to the affordable housing zone, and most of them have been shown to line up and be equivalent. However, there are some differences, Rosenfeld pointed out that the applicant should look at the differences during the time of the decision making is made by the Commission.

The Chair asked if he had the benefit of looking at the figures presented or if he was referring to the original figures from the original application.

Rosenfeld said yes, he himself has done a study on the affordable family home verses the affordable housing requirements and he saw that there were 5 differences that he would like the applicant to look

at during this period of public hearing and possibly come back with later; the stories, the garden apartments 10.1 zoning requirements show that the garden apartments have a level of no more than 3 habitable stories and the Bladens ridge affordable housing lists that as no more than 45 feet. He said that he thinks that is something the Commission needs to look at

The chair said that the applicant stated 45 feet is three stories.

Rosenfeld said that he believed that was more like three and a half stories.

The Chair asked what the significance of a half of a story was.

Rosenfeld responded that it was not a fire truck, and it was just something that needed to be looked at by the applicant but would be addressed later during the site plan review. He continued with the other differences of the affordable verses multifamily; the required rear yard for a garden apartment is 75 feet and the affordable housing proposal is 35 feet, the paved travel lane is shown as 10 feet in section 10.13 garden apartments and it is not referenced for the width of the travel lane of the driveway in the proposed text, there is a maximum grade of a private roadway in the garden apartments (12-14%) and the 14% is only allowed in stretches of 100 feet or less. It is not referenced in the affordable housing text and the staff would like the applicant to look into that and making it equitable. The last part is that the garden apartments it is required that there is on site retention of all storm water and as you can see with the affordable housing that it allows for noncontiguous property to be, the staff would like both the applicant and the Commission to consider the storm water to be handled on another property. This may not be so difficult on this property, but since this is a town wide change it will most likely present some issues on some other properties. Rosenfeld said that these are just minor comments on the presentation and that they will have more comments when they hear from the public as well as when they hear more from the site plan itself. Rosenfeld reserved the right to talk at the next meeting when there is more of a substantial site plan application at that time.

The Chair asked if Bryan Nesteriak wanted to make any comments.

Bryan Nesteriak the town engineering consultant took the floor and said that most of the things that Keith Rosenfeld brought up, Nesteriak had also looked at. Nesteriak said in general what the applicant should start considering was whether they want an affordable regulation in the code, because it does not actually have to have it. If you do want the affordable regulation, the applicant must look at all the items that they are proposing, such as the density, the height, the stories, and the property lines. In general, some of the regulations are very vague such as the landscaping and roadway design.

The Chair asked Attorney Sullivan, that the applicant indicated that burden shifting occurs when any application having to do with affordable housing occurs, however, the Chair believed that when dealing with a zone change for a text amendment, would not be subject to this change.

Attorney Sullivan stated that she also believed he was correct and she will double check, but her understanding was that for a zone change or a zoning regulation change, the burden does not shift. In an 8-30G standard where it flips for those, it does not pertain to this scenario. She also stated that there was an indication of impervious surface and her sense was that attorney Feinberg was saying she would consider pervious pavers as open space, so it sounds like the regulation would allow an access way to be considered open space because it is pervious. This is something Bryan was saying in terms of vagueness of the regulations.

Bowen asked if the Chair could read into the record a letter from the Naugatuck Valley Council of Governments.

The Chair read the letter into the record.

To: Planning and Zoning Commission, CEO, and Town Planner for Seymour

From: Joanna B. Rogalski, Regional Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury

Description of Proposal:

The Town of Seymour Planning and Zoning Commission has received the following proposed changes to its Zoning Regulations: The applicant, SCH Seymour Springs, LLC, through its attorney, Carmody, Torrance, Sandak, Hennessey LLP, has submitted an application to the Seymour Planning and Zoning Commission for a Zoning Map Change, Zoning Regulation Change, and Site Plan Approvals in connection with Bladens Ridge Affordable Housing Development for property located at 20 Spring Street, 16 Smith Street and 17 Smith Street in Seymour. The Zoning Regulation Change includes a proposal to create a new "Affordable Housing Zone" (AHZ) as a new section (§18A) to the Seymour Zoning Regulations. The purpose of this amendment is to facilitate development of rental housing with market rate and affordable units which is consistent with the soil types, terrain, infrastructure capacity and adjacent residential uses.

Staff Recommendation:

Staff finds the proposed text amendment to be regionally significant and have potential positive inter-municipal impact. The proposed text amendments are in conformity with regional and state plans of conservation and development recommendations to relate land use intensity to the capability of the land and planning policy to expand housing opportunities. Seymour's affordable housing comprises 5.75% of its housing stock, as per the 2018 Affordable Housing Appeals List (State of CT Department of Housing). The proposed text amendment may diversify and increase housing options in Seymour, and may increase the supply of affordable housing in the NVCOG region.

Commissioner Brennan asked if in the text it requires their sewer and water, would the Commission add in at the applicant's expense, some sort of study that proves that the existing infrastructure could actually handle the addition of 99 units. Whether this study be done with Aquarion or the WPCA it should be done. The Commission has letters of recommendation from the Inlands and Wetlands enforcement officer, but we did not go to the WPCA or Aquarion to see if we can provide this kind of water.

Bryan Nesteriak said the applicant's would be required to go to the WPCA to have it approved.

Commissioner Brennan asked if the staff could put it in writing as a requirement.

Nesteriak responded that it is a requirement right now and it is not something that would need to be spelled out in the regulations because it is already required by the town. The water issue would fall upon the applicant to make sure that there is enough water to get to all the units.

Brennan responded that it would be the Town's issue when there is a fire.

Nesteriak stated that it is part of the review from the Fire Marshall, finding out if there are enough fire pumps and enough pressure. He stated that he thought this was a little far out of the scope of the zoning requirement.

The Chair would like to reserve the right to hear from the Fire Marshall until they have a site plan application.

The Chair asked if the Commissioners had any more questions left for the staff, hearing none, he said that he would move to the public comment section of the public hearing.

Martina Perez from 22 Spring Street, wrote a letter to the Commission that was placed into the record by the Chair.

The Chair asked any members of the public to speak whom are in favor of the application.

Matthew Miscki of 13 Charles Road, stated that he was a professional engineer and that he has done quite a bit of work with affordable housing projects in Milford, and does understand the predicament the Town is in. What he has learned is that it is very hard to stop these projects so instead a proactive approach would be not trying to fight it, and instead trying to negotiate with the applicants. In this case, 1.75 seems like a low number of cars per unit. He lives in an apartment and a 2-car parking space is not enough for himself and his girlfriend. In terms of affordable housing, he said that he only owns his house because of a short sale and otherwise would be living at home. The market is not in favor of his generation no matter what profession you are in (which is why affordable housing is good). The one thing he suggests to look at is, is there a low limit to come in? Most people who hear affordable think Section 8, but to his knowledge, this is not a section 8 Housing, it is designed to bring in his generation, teachers, police officers, firefighters, and people just starting out. According to the regulations the attorney stated, it seems like Seymour's median age for affordable is higher. He is 29 and has owned a house for 3 years, but it was hard to get out. For the amount of units that are affordable, it would be nice to see young people have places to move out of their parents houses. In dealing with large apartment complexes, something to look at is landscaping buffers, so that the neighbors are a little more forgiving with these projects. Some examples are dense vegetation and tall trees that look nice and protect the privacy of those whom already live there.

Rich Young Jr. of 272 Pearl Street started to speak until the Chair asked if he was in favor, in which he responded no, and retracted his statement.

The Chair opened the floor to those members of the public who wish to speak in opposition of the project.

Sarah Calkins from 19 Spring Street spoke and stated that she had a petition of 350 signatures, that she presented to the Commission, in opposition to this project. The petition was entered into the record.

Dear board members, I just would like to ask where the urgency. Connecticut law is not breathing down on our neck. What we have here is just a case of predatory developers taking advantage of our community. Seymour can get up into the affordable income housing 10% required by the state of CT, but we can do it the right way for our community. Seymour should seek out the moratorium and see what we can do to increase those numbers so that the town can get that 4-year grace period as we move forward to get that affordable income housing as other surrounding towns have done, such as

Trumbull and other communities. They have sought innovative ways to comply with the state law and are succeeding. So why is this the wrong location for an affordable housing complex? The shooting range already echoes through the valley will be multiplied by the removal of the trees and adding the large concrete buildings. The tight bridge at the bottom of Pearl and Knorr Streets is already congested with vehicles, as well as trucks from the truck school. Calkins has had to stop herself and her car in fear of being hit by vehicles as they come down Knorr Street and trying to walk around that corner of the bridge is a nightmare with children. The complete lack of sidewalks is a huge issue. This project will bring much more car and foot traffic and that area is unprepared for that. The sewer issue will be brought up. Research shows that property values end up declining when they are in close proximity to an affordable housing complex. This decline happens when the quality, design, and management of the affordable housing is poor, which is why she would like more details on what the design of all of these things will be. When affordable housing residents are clustered, as she sees with the Seymour Housing Authority units, which is only a 4-minute walk away on Smith or a 10-minute walk up Chamberlin this happens more often than not. She asks the Commission to vote no on this zone change so that they may find the suitable plats that benefit all residents. She also urges the Commission to look at how other communities are going about this and maybe Seymour can make its own affordable housing fund that developers may have to pay into with new builds, so that Seymour can regulate where the housing will go and not leave the residents prey to the greedy developers.

Chris Ziezer from 31 Spring Street said that he seconds all the comments Ms. Calkins made. He asks the Commission, the area is congested on the corner that goes up Smith and has a hair pinned turn that drivers must make, so the 99-unit project will be a terrible addition to this traffic problem. The developers are telling him that they are trying to help the impoverished and the multifamily and he is in favor of that too but not at that spot because it cannot handle the congestion of the traffic. He referenced what Ms. Calkins said about the assessed values of the homes in the area because of the fact that the taxes will drop when you get the complex put in. He understands this is the case but he believes the applicant needs to pick a better place that makes more sense for the town. He would like to know if there was a traffic study done on Prospect and George Street and did it determine which one of these locations would be better off. Traffic wise Spring Street cannot hold this project. He said the attorneys can talk about wanting to help lower income people but in fact, he believes they are just trying to make money. He mentioned that no one here today is happy about this and the concerned residents will continue to fight this project until it goes down.

The Chair reminded everyone to direct his or her questions to the Chair and that the public should remember why they are there, not a site plan application, but a zone and text change, so they should keep their questions and comments relevant. Finally, he requested there were no more clapping.

Cynthia Zukas from 270 Pearl Street, said she was upset with the fact that the applicant is including 16 and 17 Smith Street to be a part of their total acreage. 17 Smith Street is just something they put on the record when in fact it used to belong to 16 Smith Street and was a single-family stately home, which had in-law apartments in it. Over the years, families just started having each other live there. 17 Smith Street has nothing but soot and a sloping ledge that is already slipping into the brook. She says this is not a buildable land, and out of the 3 acres of land, 2 of them are not buildable and should not be included in the overall amount of acreage. There is no way for developers to build on it or even dig on it. She said that the applicants have not proposed how they will get trucks down to the land to install pipes and start that process. She brings up that the applicants do not bring up the actual price of the affordable

homes, right now she believe there are many affordable apartments in Seymour on Chamberlin Road, Smith Street, and Pearl Street. Knorr Street has affordable apartments but there is also a lot of police activity, which is something that happens she says with any affordable housing complex. On Skokorat, there are two apartment complexes and on South Main Street, there are three apartment complexes. She continues listing all the multifamily and apartment complexes in town. She is not saying who can actually afford the apartments and the senior citizens cannot afford these places. Her mortgage payment for four bedroom and two full baths, will not compare to how much these apartments will cost. She says there are many apartments out there for multi-families. She says Seymour is about small multifamily homes not large three story apartment complexes. She says her father was born in this area in 1916 and her family has been in Seymour for over 100 years now, so she knows that all this land was always considered farmland. The zone change that originally happened forced the farmland to the multifamily, really was meant for families with one to two family houses. Three story buildings with 90 families and a one way street going up, will have to take up a majority of the land just to comply with the road and have buses pick up children. She asked where the children are going to be picked up for their bus stop because there are no sidewalks. She mentions that Seymour pays about \$10,000 a year per student and if this building has 90 families, this could boost the school system to over 100 to 150 more students. She believes that this is close to over \$2,000,000 that it will cost the town, and she would like to know where this money would come from. She believes that this increase in children will force Seymour to build another school. She asks that instead the Commission ask the applicant for two family homes or something reasonable. Spring street is not downtown or an industrial park. It is a small area with water problems. She asks the applicant where they are going to put sewers and the pipes since there is no draining problems. She also believes that the town is going to have to come up with the money for the drainage systems and the police and it will be too much of a burden for the taxpayers. She stated she would like to thank the Commission for letting her speak and she will be coming to the next meeting to vocalize her thoughts again.

The Chair reminded everyone that he will not cut their comments short; however, he reiterated that everyone should focus on the regulations, zone changes, and comments from staff that were brought up.

Conrad Dahn from 18 Spring Street, asked the Commission for the date that the applicant did their traffic study. Dahn mentions that a new stop sign was put in on Grand and Pearl about 2 months ago, but why is that. He says the road has not changed and would like to know why they were put in.

Stephanie Ryer from 67 Oxford Road, states that she has been a local wildlife rehabber for over 10 years now and the thing she is concerned about is the wildlife. Ryer states that many people are concerned about EEE and a lot of the habitat at the Spring Street locations of this project have a lot of woods and wetlands where wildlife exists. She asks if any studies were with the DEEP to see if there were any endangered species or types of turtles and amphibians that need to be recognized. Ryer says there will be many migratory birds that go over that area, and there are already so many issues concerning these birds. She states that Seymour has had issues with coyotes and now that the Town outsources animal control, Ryer gets many of the calls about the coyotes, on her personal cell phone. She works full time and tries to help but does not get paid. She wants to make sure that if there are 90 families here, what the concerns between EEE and the wildlife impact are.

Rich Young Jr. from 272 Pearl Street, says that his garage is on Spring Street and there is only one access to the sewer drain which is located between his yard and his neighbors yard. If 90 units are put up, will there be another sewer drain on Pearl/Spring Street? He is concerned that if this project is built all the runoff will be put into the drain in front of his house, which cannot handle that amount of water.

Christopher Calkins from 19 Spring Street, asked the Commission how the proposed change would affect the emergency services departments in Seymour. Calkins mentions that the EMS and Fire Department are both volunteer organizations and are often taxed on a daily basis with lots of calls. He believes that such a large unit will tax them even more. Calkins says he knows that lower income people use the emergency services more than others, so he wanted to bring up that police, fire, and EMS will all be called more if this project is built.

Rich Young Jr. from 272 Pearl Street, brings up the hook and ladder cannot go up one way, instead it must go up Smith Street by the Callaghan house because it cannot make the wide turn on Spring Street.

The Chair responded saying that these are very significant concerns, however, when they will be addressed during the site plan application public hearing.

Rich Young Jr. responds that Ansonia is "killing" the town of Seymour in terms of restaurants and businesses, and Seymour has nothing. We only have antique stores downtown with nowhere to park. All we have in town is Hot Tamales and Wendy's.

Helen Knapp from 13 Spring Street, states that she lives right where the complex would be. She says if this project is built there will be lights constantly in front of her home. She reminds them that each household will not just have one car; it will be two or three cars per family. 1.75 spaces per unit is not enough, she asks where the other people who live in the unit are going to park, as well as their visitors. Knapp says that because Spring Street is so tiny, during the winter when the snow is plowed you cannot fit one car through. She asks the Commission to consider taking a walk up Spring Street where they are planning on developing.

Rich Young Jr. of 272 Pearl Street, asks about the species of Leopard Frog in the woods behind where the project is supposed to go up. These frogs are on the CT endangered species list. He asks the Commission if they are planning to relocate them.

Christopher DeRosa 158 Pearl Street, states that he lives in between the two stop signs that the gentleman before was talking about and that the road is currently a raceway. If the Commission is looking to allow a 90 family unit, with about two cars each, the road will have about 200 extra cars going through the area, which is already unsafe to begin with. He states that the area cannot hold that capacity and it will be too overwhelming for the area. The area on Pearl Street is too tight. DeRosa reminds the Commission about the emergency services will not be able to get up into the small roads, with the large trucks.

Craig Vincent of 17 Spring Street, states that there seems to be other areas in town that are better suited to fit this project. Vincent mentions that Spring Street is a small quiet neighborhood, where many people walk with their dogs and their children, and says that he cannot imagine that area benefiting from a 90-unit complex. The river down the street is a natural resource and Vincent is worried about the fish and wonders if they will be relocated. He says his point is that if the Commission must change the zoning laws to allow this project to happen, maybe it would make more sense to put it up in a different

area, such as an old factory, instead of dropping it in a neighborhood with natural resources. Vincent says he is the type of person who would definitely benefit from affordable housing now that he is approaching senior citizenship and is disabled, but just does not believe this is the right area for this type of project to go up. He does not believe they should change the existing zoning laws to accommodate it. He is worried that doing that would set a precedent for other developers to take over other small neighborhoods. He says the area is not designed for this project.

Jon Lehman of 1 Spring Street, states that he sees a lot of traffic that is very dangerous for children and animals and is afraid of the impact on the values of the homes in the area. Lehman understands that there are a lot of other institutions and buildings in the area and this would be adding another one that it cannot support. The streets have many potholes that are not being maintained and with all the units and cars, it will be much worse.

Christina Kowalczyk from 260 Pearl Street, states that she has three children and the area where she lives is a huge issue with speeding. Kowalczyk says there are already many issues with the bus routes because where the bus stop is, is not safe for the children. She believes Spring Street is a beautiful street and a neighborhood where people feel safe and adding this project adds much more traffic and much more speeding. She says she understands the affordable housing but she does not want to leave her home because she loves the neighborhood, but the buildings will create a disaster. The traffic is not safe as it is, the traffic she says daily is 25,000 cars and when it increase, it will be much more dangerous. She says many people go up on her curb and are constantly speeding.

Rich Young from 272 Pearl Street, states that Spring Street is about 2 inches higher than his driveway and the road must be grated down. He states he has addressed this to Kurt. When it rains, he says it flows into his driveway and sometimes he needs to put sandbags down. Young reminds the Commission they will need a new drain and asks what their plan is with sidewalks.

Martina Perez from 22 Spring Street, states she wrote a letter to the staff at Town Hall and wants to address that the applicant wants to put the road access next to her home. She asks the applicant if they want to make the road access wider.

The Chair reminds her to address her questions to the Chair.

Perez says she does not understand all the legal jargon, however, she is concerned about the access and how close the area will be coming to her property line. She says she already has to worry about the blasting going on in the back yard when they are taking down trees, now she will have to worry about the construction and the noises going on in her home. She says that the developers are not going to be living next to it as it is being built. Two of the grates that go down past the side lot are sinking into the ground and tells the Commission that if they go by it they can see that the grates are completely eroded because of the way the road curves down and then comes down the side of the hill. She states that she is very concerned that Spring Street is not wide enough and does not have the ability to have sidewalks for the kids in the area. Families are moving onto Spring Street again but there are no sidewalks for the kids to run on, or that provide the safety that the children need. She says she walks on the sidewalks everyday with her children and is almost hit by cars. Drivers do not abide by the new stop signs and sometimes she walks across the street with a sign saying, "let my family walk". She tells the Commission that if they add a development of this size and only use a traffic study done in 2015 that is trying to project a building that will be finished in 2025 it is not going to happen. She reminds the Commission

they do not know the kind of traffic she gets in that area, how dangerous it can be for kids and for the bus stops. She asks the Commission how they are going to accommodate the people who live there now and pay taxes to the town are going to be able to reap the benefits of it. Perez says that the streets cannot handle it and something of this size will not be able to be built and be successful in this area. Perez says she is not sure what she should tell her children who see the blasting of the trees behind her home, the town building more and more, and yet there are black bears walking through town because they have nowhere to go. She believes that the blasting should not occur because there are already areas of vacant land across town. She says that she wrote a lot more concerns in her letter and asks the Commission to read it.

Brett Daily from 260 Pearl Street stated that the multifamily zone which has 75 feet in their backyard to the 30 feet that affordable housing zoning has. Daily believes that a reduction like this decreases the value of people's homes, not necessarily from a financial standpoint but for the amount of pride they have in their homes. If people do not have backyards, Daily believes it pushes people out into the street, which can lead to crime and overcrowding. From a safety standpoint, there is one side of Spring Street with a hair pinned turn and another side of Spring Street with a 90% blind turn, and this area has many children residing there. Daily says that the only reason there has not been an accident yet, but if they were to increase by about 200 cars, the amount of traffic that is going through there, it could lead to a terrible accident. Daily says that with a zoning change like this, there is a change in tone of the neighborhood. He says affordable housing changes the feeling that people have of the neighborhood as well as the looks. He says all the pavement and structures being put up, takes down the trees, which has been known to have a calming effect on people. The drainage on the street cannot handle it, there is a different multifamily complex that has its own drainage system that has 3 or 4 in ground pool sizes of water being held to store the water, what would a 90 person unit require? He believes that large water storage units like this would attract EEE and boost the chance of someone getting sick.

Michael Gerentano from 36 Smith Street, states that currently on Smith Street it is mostly a one way road. During the day, one will witness cars going the wrong direction on the one way road or during rush hour traffic, cars coming off route 67 could be seen doing anywhere between 60 and 80 miles per hour down the road. He and the neighborhood children have almost been hit, and he has notified police about the issue. He says the traffic problem is major and that there is no way a 90 unit building could be put up with 200 more cars. Smith Street was deemed not a feasible 2 way street, so putting all the affordable housing traffic on it will cause so many more problems. He believes the Commission would be opening Pandora's box by giving these people the precedence to do this because the next group of developers who want more regulations changed for them. He believes that if people would like to live in affordable housing that is why there are cities, Seymour is a small town and cannot handle the large project. He says that it is the United States and if people cannot afford to live here, they should move to where they can afford.

The Chair asked for a show of hands of the rest of the public who wanted to speak. About 4 or 5 raised their hands.

Helen Knapp from 13 Spring Street, stated that Spring Street is so small most of the people who live on the street have to back out of their driveways. These residents include elderly and families with children. When her sewers were put in there was some digging done and they found bottles of spring water, which Spring Street was named after. She would like the wetlands area to be checked out.

Jennifer Muller from 93 Walnut Street, stated that she moved to Seymour 4 years ago because it is a small town with a home feeling. When she moved to town she knew the neighborhood was older with older homes, which is why she chose it because it was quiet. Her children are now teens and her issues with this property is the fact they are not only trying to change the multifamily zoning, but also the R18 zoning. The applicants made many comparisons to the multifamily zone change but not to the R18 zone change. She is also worried about the fact that the applicants are considering 17 Smith Street and she believes it is completely inappropriate since the acreage is not in total of the whole development area. She does not think that it should not be considered in their total amount of land. Finally, the 1.75 spaces per unit for cars, is not enough. She has two teenagers and will have four cars in her home. She believes this will add many car traffic and parking traffic onto Smith and Spring Street, both of which are not equipped to handle safely parking on the side of the road.

Sarah Castro from 10 Spring Street, stated that she is concerned about the increased traffic and the affect it will have on the neighborhood children. She is concerned about the water. When she moved into her home in 2015 there were no water issues for the first two years, however, over the course of the past few years she has had multiple issues with water in her basement and every time it rains there is pooling of water that covers the entire back patio. Her front yard is sinking because of the runoff coming from the road. She is concerned about the condition of the sewer system underneath the roads and the condition of the roads. The daycare at the bottom of the road and the traffic going by that area is not safe for the children. Finally, she is concerned about the environmental changes that this project will bring. She likes the natural beauty behind her home and it will be totally displaced by this project.

Jon Lehman from 1 Spring Street, stated that at the end of Spring Street there is a very sharp turn and it isn't possible to make the turn without going on the wrong side of the road. With this situation and adding much more cars, there will be a traffic problem. He believes a traffic study should be looked into if all these people will be coming in.

Conrad Dahn from 18 Spring Street, states that he just wrote an email to Aquarion Water Company and asked for the limit on the usage amount of the Seymour reservoir. He says that in-between his home and the Perez home, it is a lawn that he has been mowing for the past 30 years. The water that flows down now is essentially dirt and if there is a large complex put in, it will be a steady stream of water that flows down the road into their yards.

The Chair asked if any more of the public wished to speak, and seeing none, he asked the developer if they would comment on any of the concerns that were brought up.

Feinberg addressed the Chair and said that many of the comments that were brought up were about the site, but her comments will be directed towards the zone change. She understands that many people are concerned with traffic, sewers, drainage, and safety, however the property right now is almost entirely zoned as multifamily. This means the application is not to turn a single-family zone and throw multifamily on it. It is also property that was subject to a very recent text change with the Commission that increased that available density on the site and removed requirements for municipal sewer or municipal water. The property as it stands does not need to have these things, but they do need to have them if the zone is changed to the AHZ zone. These very recent changes were adopted by the Commission in August. One must assume that when the Commission deemed it important to make these changes, it was considered the impact on the municipal resources, the traffic, the sewers, and the safety. There are only a handful of vacant sites, so when the adjustments were made to the MF zone,

Feinberg assumes that the Commission must have considered this application's property as a possible MF zone. Feinberg states that this is not park land and as much as the people have enjoyed the wildlife, it is a development parcel that was bought in 2015 and has been attempting to redevelop ever since. Her client owns it and something is going to go there. Under the current regulations, the only thing that can go there is a building that maxes out at four units, on 10 plus acres. Four units is not reasonable. Feinberg understands that there were many maintenance needs for the community, but maintenance requires money, and the property taxes in total for this site right now are \$8,000, but if they develop, it will increase exponentially. She addressed the fact the portion of property zoned R18 is not a development parcel and she agrees, they will not try to develop it and it will be used for drainage. That area is also not included in their development rights, so for purposes of calculating the density, it was not used. 20 Spring Street and 16 Smith Street were the only areas used to calculate that density. She addressed that someone mentioned that they should not be changing the zoning for the R18, but it's impossible because that is the only access to the property. This parcel was purchased in order to ensure safe access to the building. In terms of the increase in density, they are concerned with 3 units per acre, in terms of parking they are talking about 2 spaces per unit instead of 5, the POCD explicitly states that the number of school age children is decreasing and that the current schools may need to be repurposed in the future for the growing senior population.

The Chair interrupts to remind Feinberg that she should be focusing on the issues brought up regardless of whether they are technically correct or accurate, but because they mean a lot to the public.

Feinberg stated that she thought she was doing that, but she can try to go by name.

The Chair stated that she did not have to do that but instead of telling the people what is in the plan development and should have been done, maybe address the concerns of the people no matter how relevant or irrelevant.

Feinberg states that she is happy to address everyone's comments to the best of her ability. She states that in conjunction with DEEP, they will be studying the wildlife. She understands the concerns related to the fire trucks and they will be working with the Fire Marshal on those issues in connection with the site plan application. She heard about the traffic issue and would like to have the traffic engineer address any concerns in terms of the difference in density of what it is zoned today verses the proposed change.

The Chair interrupts and says that they will push that to the next meeting.

Feinberg said that is fine. She understands the concern about the sidewalks, and knows that Spring Street is relatively narrow, so she believes that is most likely why the town has not put sidewalks there yet. She suggests it is the right location because it is a multifamily zoned piece of property. She heard that Seymour does not have a lot of options for entertainment, but she believes if there is an influx of younger people this would change. Some people spoke about the affordability aspect and if people are not able to afford the rents in Seymour they should move to a city, but that is not the state's policy which encourages the affordability housing in all municipalities, not just the large cities. She addresses that someone spoke about the rear yard change and she understands that the regulation does reduce the amount from 75 feet to 35 feet and the primary reason is mainly because they were unsure of where the rear yard ended on the property. The majority of the rear yard is 75 feet other than one section of the corner of the building, in which the rest of the building has a 75 foot rear yard. She also

points out that they are not changing the front or side yards at all. She addresses that those of the public who live in close proximity to the building were worried about the close proximity to their homes, but that set back has maintained, in other words it is the same set back as the MF zone. She welcomes all the comments from the staff and will work with them on any modifications that are appropriate between now and the next hearing. She understands that there were some concerns on why there is a sense of urgency and instead states that this has not been an urgent project at all, instead it has been trying to redevelop since 2015. She is hopeful that the Commission will see fit to approve this application because the applicant has waited a long time and payed the taxes.

The Chair asked Mr. Bowen to ask a question.

Commissioner Bowen asked about the 2015 parking study made a projection on traffic and parking for 2021, which found that the project will not change the traffic of the area. This included four intersections on Spring, Smith, and Knorr Street, is there any way some studies could be done to look at some other areas such as Route 67, Main street and roads that are closer to Spring and Smith Street?

Feinberg said that is something she will speak to her client.

Commissioner Bowen said that the intersections are very close to 67 and as he lives off of Skokorat Street, it is a parking lot in rush hour.

The Chair asked if Feinberg has concluded.

Feinberg stated that unless the Chair had something else in his notes that she failed to address.

The Chair wanted to reconcile the difference in opinion between the attorneys on the burden shift.

Feinberg said she would work directly with Attorney Sullivan and present the case law.

The Chair stated that at this point he would like to continue this at the next meeting in November and in the antrum, staff and the applicants could work together.

Feinberg asked what the date and time of the next meeting would be.

The Chair asked for a motion on that.

Feinberg stated for the record they needed to continue to a date certain.

The Chair stated that it would be November 14<sup>th</sup> at 6:30pm. They would do this without a motion.

Jim Baldwin asked if they would like to republish both.

Feinberg stated that they did not need to republish both as long as it was continued on the record.

The Chair adjourned the public hearing.